IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

MONDAY, THE NINETH DAY OF APRIL
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.M.P.Nos.7383 & 8462 of 2007
and
WRIT PETITION No.5781 of 2007

Between:

Pact Securities & Financial Services Ltd.,
Erramanzil, Hyderabad.

..... PETITIONER

AND

1.The Commissioner of Income Tax-IV,
Govt of India, Basheerbagh, Hyderabad and 2 others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.M.P.Nos.7383 & 8462 of 2007
and
WRIT PETITION No.5781 of 2007

Common Order: ***(Per Hon'ble Sri Justice Bilal Nazki,)***

Heard the learned Counsel for the parties. With their consent, the Writ Petition is being disposed of at

this stage.

Pending appeal, the first respondent-Commissioner of Income Tax passed an order of stay subject to the condition that 25% of the demanded tax shall be paid. This necessitated the petitioner to file this Writ Petition.

During pendency of this Writ Petition, according to the petitioner, the bank account of the petitioner has been attached and 25% of the demanded tax amounting to Rs.3,20,000/- has already been recovered from the said bank account.

Since 25% of the demanded tax has already been recovered, we feel that no further orders can be passed now in this Writ petition The order passed by the first respondent-authority granting stay is otherwise fair, but, it is stated by the learned Counsel for the petitioner that even after the recovery of 25% of the demanded tax, the attachment of the petitioner's bank account has not been removed.

In this view of the matter, we dispose of the Writ Petition with a direction that if 25% of the demanded tax has already been recovered, the attachment of the petitioner's bank account should be deemed to

have been revoked. The recovery of this amount would, however, be subject to the outcome of the appeal. We direct the third respondent-appellate authority to dispose of the appeal within a period of two months from the date of receipt of a copy of this order.

W.P.M.P.Nos.7383 & 8462 of 2007 are also, accordingly, disposed of. No costs.

(Bilal Nazki, J)

9th April, 2006

(Nooty Ramamohana Rao, J)

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